

The Gazette



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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 27th September, 1961:—

Issue No.	No. and Date	Issued by	Subject
245	S.O. 2315, dated 21st September, 1961.	Ministry of Law	Amendments in the Registration of Electors Rules, 1960.
246	S.O. 2316, dated 21st September, 1961.	Election Commission, India.	Certain directions regarding Choice of Symbols.
247	S.O. 2317, dated 22nd September, 1961.	Do.]	Extending upto 30th September, 1961, within which inclusion of a name or an objection in the electoral roll in the Union Territory of Delhi, shall be made.
248	S.O. 2318, dated 22nd September, 1961.	Ministry of Law	Declaration containing the name of the candidate elected to fill a vacancy in the Council of States.
249	S.O. 2319, dated 23rd September, 1961.	Ministry of Information and Broadcasting.	Approval of films specified therein.
250	S.O. 2375, dated 27th September, 1961.	Ministry of Commerce and Industry.	Appointing 1st October, 1961, on which the Standards of Weights and Measures Act, 1956, relating to Units of length, shall come into force in the whole of India excepting areas or undertakings mentioned therein.
	S.O. 2376, dated 27th September, 1961.	Do.	Permitting the use for one year from 1st October, 1961 of any unit of length which immediately before that date was in use in the areas mentioned in S.O. 2375, above.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

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**PART II—Section 3—Sub-section (ii)**

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).**

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**ELECTION COMMISSION, INDIA**

*New Delhi, the 26th September 1961*

**S.O. 2388.**—It is hereby notified for general information that the disqualification under clause (c) of Section 7 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. UP-P/264/60-Bye(274) dated the 15th April, 1961, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Jawahir Lal, Village Greswel-Grant, P.O. Bartal, Sitapur (U.P.).

[No. UP-P/364/60-Bye(274R)/24884.]

By order,

C. B. LAL, Under Secy.

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**MINISTRY OF HOME AFFAIRS**

*New Delhi, the 28th September 1961*

**S.O. 2389.**—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the powers of the Central Government under sub-section (1) of section 469 of the Delhi Municipal Corporation Act, 1957 (66 of 1957) shall, subject to the control of the President and until further orders, be exercised by the Chief Commissioner, Delhi.

[No. F. 2/10/61-Judl.II.]

*New Delhi, the 29th September 1961*

**S.O. 2390.**—In pursuance of clause (1) of article 239 of the Constitution and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. F. 2/16/60-J. II (S.O. 83) dated the 9th January, 1961, the President hereby directs that the Lieutenant Governor of Himachal Pradesh and the Chief Commissioner of Tripura shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the State Government under the Indian Christian Marriage Act, 1872, (15 of 1872), within their respective territories.

[No. F. 2/9/61-Judl. II.]

A. D. PANDE, Joint Secy.

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**MINISTRY OF FINANCE**

**(Department of Expenditure)**

*New Delhi, the 28th September 1961*

**S.O. 2391.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of the article 148 of the Constitution, and of all other powers enabling him in this behalf, the President hereby makes, after consultation with the Comptroller and Auditor General in respect of persons serving in the Indian Audit and Accounts Department, the following rules to amend the Central Civil Services (Extraordinary Pension) Rules, namely:—

1. These rules may be called the Central Civil Services (Extraordinary Pension) Third Amendment Rules, 1961.

2. In the Central Civil Services (Extraordinary Pension) Rules, after rule 4, the following Note shall be inserted, namely:—

“Note.—The Comptroller and Auditor General of India shall be competent to exercise powers in cases falling clearly and strictly within these rules in respect of persons serving in the Indian Audit and Accounts Department”.

[No. F. 2(14)-EW(B)/61/I.]

S.O. 2392.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President hereby makes, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the following regulations to amend the Civil Service Regulations, namely:—

1. These regulations may be called the Civil Service (Nineteenth Amendment) Regulations, 1961.

2. In the Civil Service Regulations, after article 733, the following Note shall be inserted, namely:—

“Note.—The Comptroller and Auditor General of India shall be competent to exercise powers specified in this Article in respect of persons serving in the Indian Audit and Accounts Department”.

[No. F. 2(14)-EV(B)/61/II.]

N. K. BHOJWANI, Dy. Secy.

## (Department of Economic Affairs)

New Delhi, the 28th September 1961

S.O. 2393.—Statement of the Affairs of the Reserve Bank of India as on the 22nd September, 1961.

## BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	21,98,89,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	1,41,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	50,00,00,000	Subsidiary Coin . . . . .	3,77,000
National Agricultural Credit (Stabilisation) Fund . . . . .	6,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	18,44,48,000
Deposits :—			
(a) Government		Balances held abroad* . . . . .	18,42,42,000
(1) Central Government . . . . .	55,04,84,000	Loans and Advances to Governments** . . . . .	45,53,28,000
(2) Other Governments . . . . .	21,36,27,000	Other Loans and Advances† . . . . .	135,88,93,000
(b) Banks . . . . .	84,30,57,000	Investments . . . . .	260,60,79,000
(c) Others . . . . .	172,65,83,000	Other Assets . . . . .	17,14,38,000
Bills Payable . . . . .	24,71,03,000		
Other Liabilities . . . . .	18,99,81,000		
RUPEES . . . . .	518,08,35,000	RUPEES . . . . .	518,08,35,000

\*Includes Cash &amp; Short-term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 9,50,50,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated, the 27th day of September, 1961.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 22nd day of September, 1961

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . . .	21,98,89,000		A. Gold Coin and Bullion :—		
Notes in circulation . . . .	1868,69,58,000		(a) Held in India . . . .	117,76,03,000	
Total Notes issued . . . .		1890,68,47,000	(b) Held outside India . . . .	..	
			Foreign Securities . . . .	116,86,07,000	
			TOTAL OF A . . . .		234,62,10,000
			B. Rupee Coin . . . .		127,28,24,000
			Government of India Rupee Securities . . . .		1528,78,13,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES . . . .		1890,68,47,000	TOTAL ASSETS . . . .		1890,68,47,000

Dated the 27th day of September, 1961.

B. VENKATAPPAH,  
Dy. Governor.

[No. F. 3(2)-BC/61.]

A. BAKSI, Jr. Secy.

**(Department of Economic Affairs)***New Delhi, the 30th September 1961*

**S.O. 2394.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 11 of the said Act shall not apply to the Moolankuzhi Union Bank Ltd., Thoppumpady, for the period up to and including the 31st March 1962.

[No. F. 4(7)-BC/61.]

R. K. SESHADRI, Dy. Secy.

**MINISTRY OF COMMERCE & INDUSTRY***New Delhi, the 26th September 1961*

**S.O. 2395.**—In exercise of the powers conferred by section 13 of the Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955 (39 of 1959), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce & Industry No. S.R.O. 2777-A, dated the 30th August 1957, namely:—

In the said Notification, for item 2, the following shall be substituted, namely:—

"2. Other medicinal preparations containing alcohol falling under item 3(iii) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Amendment Act, 1961 (19 of 1961)".

[No. F. 32(2)-Com(Genl.)/61.]

L. RANGARAJAN, Under Secy.

**ORDER***New Delhi, the 30th September, 1961*

**S.O. 2396/IDRA/6/5.**—In pursuance of Clause (c) of Rule of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri K. N. Ramaswamy, Development Officer, Development Wing, New Delhi as the Secretary of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 2276, dated the 11th September, 1961, for the scheduled industries engaged in the manufacture or production of electric motors and of machinery and equipment for the generation, transmission and distribution of electric energy (excluding house service meters and panel instruments), with effect from the 11th September, 1961.

[No. 1(5)IA(IV)/60.]

**CORRIGENDUM***New Delhi, the 30th September 1961*

**S.O. 2397.**—In the Ministry of Commerce and Industry Order No. S.O. 2276, dated the 11th September, 1961, published in Part II Section 3 sub-section (ii) of the Gazette of India dated the 23rd September, 1961:—

*For 8. Shri W. G. Swatek, M/s. Siemens Engineering and Manufacturing Co., of India Private Ltd., Stadium House, Veer Nariman Road, G.P.O. Box No. 490, Bombay-1. Owners.*

*Read 8. Shri G. H. Swatek, M/s. Siemens Engineering and Manufacturing Co., of India Ltd., Stadium House, Veer Nariman Road, G.P.O. Box No. 490, Bombay-1. Owners.*

[No. 1(5)IA(IV)/60.]

J. S. BAKSHI, Under Secy.

## ORDER

## EXPORT TRADE CONTROL

New Delhi, the 7th October 1961

**S.O. 2398.**—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

Under the heading "C. ARTICLES WHOLLY OR MAINLY MANUFACTURED", for entry (8) of item 9(a) (x), the following shall be substituted:—

"(8) Heavy rails (over 30 lbs.), bearing plates, fishplates, dog spikes, chair spikes, screw spikes,".

[No. Export (i)/AM(51).]

M. H. SIDDIQI, Under Secy.

## (Indian Standards Institution)

New Delhi, the 28th September 1961

**S.O. 2399.**—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for Stearic Acid and Oleic Acid Technical details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect 15th October 1961.

## THE SCHEDULE



Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per unit
1	Stearic Acid, Technical	IS : 1675-1960 Specification for Stearic Acid, Technical.	One Metric Tonne	Rs. 1.00 per unit with a minimum of Rs. 1,000.00 for production during a calendar year.
2	Oleic Acid, Technical	IS : 1676-1960 Specification for Oleic Acid, Technical.	Do.	Do.

[No. MD/18:2]

**S.O. 2400.**—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Marks, designs of which together with the verbal descriptions of the designs and the titles of the relevant Indian Standards are given in the Schedule hereto annexed, have been specified

These Standard Marks for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the rules and regulations framed thereunder, shall come into force with effect from 15th October 1961.

## THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1	IS:1675 	Stearic Acid, Technical.	IS:1675-1960 Specification for Stearic Acid, Technical.	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions, as indicated in column (2), the number designation of the Indian Standard and the ISI designation of the grade number being super-scribed on the top and inscribed in the bottom sides of the monogram respectively as indicated in the design.
2	IS:1676 	Oleic Acid, Technical	IS:1676-1960 Specification for Oleic Acid, Technical.	Do.

[No. MD/17:2.]

A. N. GHOSH,  
Director.

## ERRATA

In the Ministry of Commerce and Industry (Indian Standards Institution) Notification No. MD/12:636, dated 6th September 1961, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated 16th September 1961 as S.O. 2214, please read 31-8-62 for 13-8-62.

## MINISTRY OF STEEL, MINES &amp; FUEL

(Department of Iron &amp; Steel)

New Delhi, the 30th September 1961

S.O. 2401/ESS.COMM/IRON AND STEEL-2(c)/AM(86).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in



the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS.COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in column 2 thereof, against 'WEST BENGAL', for the existing entry No. (8), the following shall be substituted, namely:—

"8. Special Officer (Progress) Department of Agriculture & Food Production, Government of West Bengal."

[No. SC(A)-2(3)/61.]

J. S. BAIJAL, Under Secy.

## MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 30th September 1961

**S.O. 2402.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President is pleased to prescribe the revised scale of pay as per provision of the Central Civil Services (Revised Pay) Rules, 1960, for the post of Gur Chemist (Class I) at Indian Institute of Sugarcane Research, Lucknow, with effect from 25th July 1960 as under:—

Designation of the post	Pre-1931 scale	Prescribed scale	Revised scale
		Rs.	Rs.
Gur Chemist		600—40—1000— 1000—1050—1050— 1100—1100—1150.	700—40—1100— 50/2—1250.

[No. 4-44/61.S.Cane Instt.]

PARTAP SINGH, Under Secy.

## MINISTRY OF HEALTH

### ORDERS

New Delhi, the 26th September 1961

**S.O. 2403.**—With reference to the notification of the Government of India, Ministry of Health No. 17-2/60MI, dated the 22nd April, 1960, according recognition to the Medical qualification M.D. (Pennsylvania—U.S.A.) for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the said Act, directs that the medical practice by Dr. Marion Isabella Criswell, possessing the said qualification, shall be limited to the institution of 'Victoria Memorial Mission Hospital, Hanumakonda, Deccan, for a period of two years with effect from the date of this order or so long as Dr. Marion Isabella Criswell continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 16-22/60-MI.]

**S.O. 2404.**—With reference to the notification of the Government of India, Ministry of Health No. 17-2/60-MI, dated the 22nd April, 1960, according recognition to the Medical qualification M.D. granted by the University of Colorado School of Medicine for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the said Act, directs that the medical practice by Dr. Edward Clark Riggs, possessing the said qualification

shall be limited to the institution of 'St. Martin's Hospital, C.S.I., Ramnad, South India', for a period of two years with effect from the date of this order or so long as Dr. Edward Clark Riggs continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 16-11/61-MI.]

**S.O. 2405.**—With reference to the notification of the Government of India, Ministry of Health No. 17-2/59-MI, dated the 1st April, 1960, according recognition to the Medical qualification M.D. granted by the University of Toronto, Canada for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the said Act directs that the medical practice by Dr. Walter Gilray Anderson, possessing the said qualifications, shall be limited to the institution of 'Ratlam Christian Hospital, Ratlam (Madhya Pradesh)'; for a period of two years with effect from the date of this order or so long as Dr. Walter Gilray Anderson continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 16-14/61-MI.]

**S.O. 2406.**—With reference to the notification of the Government of India, Ministry of Health No. 16-6/60-MI, dated the 9th January, 1961, according recognition to the Medical qualification M.D. (Johann Wolfgang Goethe—Universitäre—Frenkfurtam—Main) for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14, of the said Act directs that the medical practice by Dr. Justus Manfred Laun, possessing the said qualification, shall be limited to the institution of 'Evangelical Hospital, Kharia, District Kalahandi, Orissa', for a period of two years with effect from the date of this order or so long as Dr. Justus Manfred Laun continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 16-16/61-MI.]

*New Delhi, the 27th September 1961*

**S.O. 2407.**—With reference to the notification of the Government of India, Ministry of Health No. 16-17/60-MI, dated the 2nd February, 1961, according recognition to the Medical qualification M.D. (College of Medical Evangelists, Los Angeles, California—U.S.A.) for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the said Act directs that the medical practice by Dr. Albert J. Patt, possessing the said qualification, shall be limited to the institution of 'Christian Medical College and Hospital, Vellore', for a period of two years with effect from the date of this order or so long as Dr. Albert J. Patt continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 16-19/61-MI.]

R. MURTHI, Under Secy.

## MINISTRY OF TRANSPORT & COMMUNICATIONS

(Departments of Communications & Civil Aviation)

### ORDER

*New Delhi, the 29th September 1961*

**S.O. 2408.**—In pursuance of rule 160 of the Indian Aircraft Rules, 1937, the Central Government hereby exempts for a further period of three months with effect from 1st October, 1961, all persons in-charge of aircraft engaged in international navigation, from the operation of Clause (v) of sub-rule (2) of rule 7 of the said Rules, in so far as it requires such persons to carry in the said aircraft, the aircraft and engine log books, subject to the condition that the working copies of the aforesaid documents are carried in the said aircraft.

[No. 10-A/21-61.]

S. N. KAUL, Under Secy.

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**(P. & T. Board)***New Delhi, the 27th September 1961*

**S.O. 2409.**—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1961 as introduced by S.O. No. 627, dated the 8th March, 1960 the Director General, Posts and Telegraphs, hereby specifies the 1st day of October, 1961 as the date on which the measured rate system will be introduced in Cannanore Telephone system.

[No. 11-14/61-PHA.]

**S.O. 2410.**—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1961 as introduced by S.O. No. 627, dated the 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st day of October, 1961 as the date on which the measured rate system will be introduced in Baroda Telephone system.

[No. 11-11/61-PHA.]

**RAMA KANT,**

Director of Telephones (E).

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**MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS****ARCHAEOLOGY***New Delhi, the 28th September, 1961*

**S.O. 2411.**—Whereas the Central Government considers that the antiquities specified in the schedule below ought not to be moved from the place where they are without the sanction of the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 25 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, (24 of 1958), the Central Government hereby directs that the said antiquities shall not be moved from the place where they are except with the written permission of the Director General of Archaeology.

## SCHEDULE

Sl. No.	State	District	Pargana	Name of Village	Revenue Thana No.	Name of Antiquity	Remarks
1	2	3	4	5	6	7	8
1	Bihar	Gaya	Maheer	Bodhgaya . . .	359	All antiquities in Village Bodhgaya.	
2	"	"	"	Mastipur . . .	360	All antiquities in Village Mastipur.	
3	"	"	"	Bakraur . . .	358	All antiquities in Village Bakraur	
4	"	"	Narhat	Kurkihar . . .	1045	All antiquities in Village Kurkihar.	
5	"	"	"	Orail . . .	277	All antiquities in Village Orail.	

[No. F. 4-13/61-C.I.]

**S.O. 2412.**—Whereas the Central Government is of opinion that archaeological site and remains specified in the schedule attached hereto is of national importance,

Now, therefore, in exercise of the powers conferred by sub-section (I) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, (24 of 1958), the Central Government hereby gives notice of its intention to declare the said Archaeological site and remains to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said Archaeological site and remains will be considered by the Central Government.

SCHEDULE

State	District	Tahsil/Revenue Unit No.	Locality	Name of site	Revenue plot No. to be included under protection	Area	Boundaries	Ownership
Bihar	Singbhum	Revenue Thana No. 4.	Itagarh	Ancient mound locally known as Kulugarha and Basput together with adjacent land comprised in survey plot Nos. 1095 and 1096.	Whole of Survey Plot Nos. 1095 and 1096.	31.621 acres.	North:—River Kharkai. East:—Survey plot Nos. 1097, 1098, 1099, 1100, 1102, 1103, 1107, 1108, 1109, 1114, and 1115. South:—Survey plot Nos. 1093, 1094, 1122, 1120, 1119, 1117, and 1116. West:—Village road.	Plot No. 1095—Private, Plot No. 1096—partly Govt. and Partly owned Privately.

[No. F. 4-22/61-C. I.]

S. J. NARSIAN,  
Assistant Educational Adviser.

**MINISTRY OF IRRIGATION AND POWER***New Delhi, the 23rd September 1961*

**S.O. 2413.**—In partial modification of this Ministry's notification No. EL-II-361(1)/56, dated the 29th January, 1957, the Central Government hereby appoints Shri D. G. Shinde, Deputy Director, Central Water & Power Commission (Power Wing), to be an Electrical Inspector within the Union Territories and Nicobar Islands and within the State of Pondicherry *vice* Shri C. K. V. Rao, transferred on foreign service to the Delhi Municipal Corporation, New Delhi.

[No. EL-II-3(7)/61.]

**ORDER***New Delhi, the 23rd September 1961*

**S.O. 2414.**—In partial modification of this Ministry's Order No. EL-II-361(1)/56, dated the 19th January, 1957, the Central Government hereby authorises the discharge by Shri D. G. Shinde, Electric Inspector, of the functions of the State Government under Sections 13, 18 and sub-section (2) of Section 34 of the Indian Electricity Act, 1910 (9 of 1910) and sub-clause (2) of Clause V, and Clause XIII of the Schedule to the said Act, in the Union Territories of Himachal Pradesh, Manipur, Tripura and the Andaman & Nicobar Islands and in the State of Pondicherry, until further orders.

[No. EL-II-3(7)/61.]

**N. S. VASANT,**  
Officer on Special Duty.

**MINISTRY OF REHABILITATION****(Office of the Chief Settlement Commissioner)***New Delhi, the 23rd September 1961*

**S.O. 2415.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed, in the State of Maharashtra for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires, the evacuee properties specified in the said Schedule.

**SCHEDULE***Agricultural Land*

Serial No.	Particulars	Name of the town/ locality where property is situated	Name of the Evacuee
1	2	3	4
1.	Agr. land Survey No. 63 Hissa 1 arca.	Village Koodmal, Taluka Wada, Dist. Thana.	Shri Nanakji Herji.
2.	Agr. land S. No. 105 Hissa 1 arca.		
3.	Agr. land S. No. 114 Hissa Nil. arca		
	A.G.V. 6.39.8 11.28.0 1.21.4		

1	2	3	4
			Hissa
4.	Agr. land S. No.	110	3
5.	Do.	159	nil
6.	Do.	2	1
7.	Do.	4	nil
8.	Do.	5	2
9.	Do.	3	nil
10.	Do.	7	1
11.	Do.	7	2
12.	Do.	7	3
13.	Do.	7	4
14.	Do.	7	5
15.	Do.	8	1
16.	Do.	8	3
17.	Do.	9	1
18.	Do.	9	3
19.	Do.	9	4
20.	Do.	10	nil
21.	Do.	11	nil
22.	Do.	12	1
23.	Do.	12	2
24.	Do.	13	1
25.	Do.	13	2
26.	Do.	13	3
27.	Do.	13	4
28.	Do.	14	nil
29.	Do.	15	nil
30.	Do.	18	nil
31.	Do.	19	2
32.	Do.	25	nil
33.	Do.	30	nil
34.	Do.	31	nil
35.	Do.	33	nil
36.	Do.	44	nil
37.	Do.	48	1
38.	Do.	49	nil
39.	Do.	51	1
40.	Do.	52	nil
41.	Do.	61	1
42.	Do.	61	3
43.	Do.	61	4
44.	Do.	62	nil
45.	Do.	64	nil
46.	Do.	66	nil
47.	Do.	67	nil
48.	Do.	68	1
49.	Do.	68	4
50.	Do.	63	nil
51.	Do.	69	2
52.	Do.	70	nil
53.	Do.	71	nil
54.	Do.	72	7
55.	Do.	72	9
56.	Do.	75	3
57.	Do.	77	nil
58.	Do.	78	2
59.	Do.	91	4
60.	Do.	102	3
61.	Do.	102	6
62.	Do.	102	8
63.	Do.	103	nil
64.	Do.	104	4
65.	Do.	104	5
66.	Do.	104	7
67.	Do.	105	4
68.	Do.	106	2
69.	Do.	106	3

Village Palgaum, Tal- Shri Anis Ahmad  
uka Murbad, Dist. & others.  
Thana.



1

2

3

4

## Hissa

70	Agr. land S. No.	107	nil
71	Do.	108	1
72	Do.	110	1
73	Do.	110	2
74	Do.	111	1
75	Do.	112	nil
76	Do.	114	nil
77	Do.	117	nil
78	Do.	118	2/1
79	Do.	119	1
80	Do.	118	3
81	Do.	120	1
82	Do.	120	3
83	Do.	120	6
84	Do.	121	1
85	Do.	124	4
86	Do.	125	nil
87	Do.	127	1
88	Do.	127	3
89	Do.	127	6
90	Do.	128	1
91	Do.	128	5
92	Do.	130	9
93	Do.	148	nil
94	Do.	149	nil
95	Do.	153	2
96	Do.	153	4
97	Do.	154	nil
98	Do.	155	nil
99	Do.	156	nil
100	Do.	157	nil
101	Do.	158	2
102	Do.	162	1
103	Do.	163	nil
104	Do.	164	nil
105	Do.	165	nil
106	Do.	169	2
107	Do.	170	nil
108	Do.	171	nil
109	Do.	172	nil
110	Do.	175	nil
111	Do.	176	1
112	Do.	176	2
113	Do.	178	2
114	Do.	179	nil
115	Do.	180	3
116	Do.	181	nil
117	Do.	182	1
118	Do.	183	1
119	Do.	184	nil
120	Do.	185	2
121	Do.	187	3
122	Do.	188	4
123	Do.	188	5
124	Do.	188	nil
125	Do.	190	nil
126	Do.	191	nil
127	Do.	193	nil
128	Do.	198	nil
129	Do.	201	nil
130	Do.	202	nil
131	Do.	203	1
132	Do.	203	2

Village Palgaum Tal- Shri Anis Ahmad &  
uka Murbad, Dist. others.  
Thana.

1

2

3

4

## Hissa

133	Agri. land S. No.	204	nil	}	Village Palgaum Taluka Murbad, Dist. Thana.	Shri Anis Ahmad & others.
134	Do.	205	nil			
135	Do.	222	nil			
136	Do.	223	nil			
137	Do.	226	nil			
138	Do.	238	nil			
139	Do.	240	nil			
140	Do.	241	1			
141	Do.	241	2			
142	Do.	p. 3				
143	Do.	p. 4				
144	Do.	p. 18				
145	Do.	p. 26				
146	Do.	90	2			
147	Do.	90	10			
148	Do.	92	2			
149	Do.	95	5			
150	Do.	102	2			
151	Do.	102	10			
152	Do.	105	1			
153	Do.	119	2			
154	Do.	140	nil			
155	Do.	139	1	}	Village Mhasa, Taluka Murbad, Dist. Thana.	Do.
156	Do.	139	3			
157	Do.	139	4			
158	Do.	140	nil			
159	Do.	146	nil	}	Village Sandor, Taluka Basscin, Dist. Thana.	John. Thomas D' Mello.
160	Do.	123	5/3A-G 0-1 1/2			
161	Do.	123	14 0-5 1/2			
162	Do.	12	1	}	Village Shedgaon, alias Tidke, Taluka Bhivandi Dist. Thana.	Shri Mohinuddin Haji Bharmar.
163	Do.	15	4			
164	Do.	18	10			
165	Do.	61	13			
166	Do.	69	4			
167	Do.	73	nil			
168	Do.	68	nil			
169	Do.	69	1			
170	Do.	75	5			
171	Do.	11	19			
172	Do.	76	nil			
173	Do.	75	4			
174	Do.	2	1	}	Village Bhopar, Taluka Bhivandi, Dist. Thana.	
175	Do.	2	3			
176	Do.	15	2			
177	Do.	15	9			
178	Do.	12	1			
179	Do.	215	17			
180	Do.	217	1			
181	Do.	253	2			
182	Do.	16	3			
183	Do.	17	1			
184	Do.	18	1			
185	Do.	19	1			
186	Do.	23	1			
187	Do.	28	1			
188	Do.	34	nil			
189	Do.	61	1			
190	Do.	68	8A			
191	Do.	220	13			

1	2	3	4
			Hissa
192	Agri. land S. No.	105A	} Village Bhopar, Taluka Bhivandi, Dist. Thana.
193	Do.	134A	
194	Do.	135	
195	Do.	144	
196	Do.	145	
197	Do.	163	
198	Do.	134	
199	Do.	165	
200	Do.	134	
201	Do.	90	
202	Do.	91	
203	Do.	105B	
204	Do.	96	
205	Do.	103	
206	Do.	107	
207	Do.	146	
208	Do.	146	
209	Do.	155	} Village Sonarpara, Taluka Bhivandi, Dist. Thana.
210	Do.	155	
211	Do.	146	
212	Do.	247	
213	Do.	258	
214	Do.	110	
215	Do.	132	
216	Do.	257	
217	Do.	133	
218	Do.	229	} Village Asde Golwali, Taluka Bhivandi, Distt. Thana.
219	Do.	75	
220	Do.	90	
221	Do.	122	} Village Chandani, Taluka Thana, Dist. Thana.
222	Do.	179	
223	Do.	64	} Village Panchpakhd, Taluka Thana, Dist. Thana.
224	Do.	34	
225	Do.	35	} Rural Houses, Village Sandre, Taluka Bassein, Dist. Thana.
226	Do.	35	
227	House No. 14 in Gaothan		

[No. 5(6)61-Land &amp; Rent.]

New Delhi, the 25th September 1961

**S.O. 2416.**—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Madhya Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensations to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of Displaced persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) it is notified that the Central Government has decided to acquire and hereby acquired, the evacuee properties specified in the schedule hereto annexed.

## THE SCHEDULE

Serial No.	Particulars of the property	Name of the town and locality/village in which the property is situated.	Name of the Evacuee	Remarks
1	2	3	4	5
1	House Number 807	Belbagh Jabalpur	Mnnakhan and Dar-azkhan sons of Shaha-bookhan.	
2	House number 257/308	Bhartipur Jabalpur	Sultankhan Supervisor and Ismailkhan.	
3	House number 83	Nal Band Mohalla Jabalpur.	Mohammadkhan son of Sadullahkhan.	
4	Nazule plot number 49 Block number 23 No number it is situated between House number 188 and 189 South Miloniganj.	Gohalpur Jabalpur	Sheukh Mohammad and Mohammad Yakub sons of Man-gi Musalman.	
5	House number 161	East Kariapathar Jabalpur.	Bismullah Bi widow of Nanhoorkhan Kalloo Hatiz and Manzoor sons of Nanhoorkhan Mehoobkhan and Zueckha Bi and others.	
6	House number 162	East Kariapathar Jabalpur.	Bismulla Bi widow of Nanhoorkhan Kalloo Hatiz and Manzoor sons of Nanhoorkhan Mehoobkhan Zueckh Bi and others.	
7	House number 163	East Kariapathar Jabalpur.	Bismulla Bi widow of Nanhoorkhan Kalloo Hatiz and Manzoor sons of Nanhoorkhan Mehoob Khan Zueckh Bi and others.	
8	House number 577	Uprainganj Jabalpur.	Abdul Wahid, Abdul Mazid, Abdul Hamid, Abdul Rashid, Abdul Latif, Abdul Samad sons of Abdul Gafoor and Fathima Bi, Zubeda Bi daughters of Abdul Gafoor.	
9	One Kachha House and one Pakka house.	Chuchaiyapara Bilaspur.	Nazar Mohammad and Khalil Mohammad sons of Zamir.	
10	House number 4/53	Pendra Road Bilaspur.	Abdul Rahaman and Gulam Nabi.	
11	House number 12/259	Juna Bilaspur	Abdul Rehman	
12	House number 312(old) 152/6 (new).	Nehru Ward number 6 Budhwaripura Lane, Dongargath.	Gafoor and Iua son of Chunnal Gawall.	
13	House number 147, 148/1 and 148/2.	Gandhi ward Seoni	Karim Khan son of Gafoor and Gafoor Khan.	

1	2	3	4	5
14.	House number 4247 .	Cul Harda	Bashir Ali and Chutto Khan sons of Rajjab Ali.	
15.	House number 360 .	Ward number 6 Nehru ward Budhwaripara lane Dongarganli.	Abdul Hussain son of Ibrahim.	
16.	House number 108 .	Azad ward Gadara, District Narsingpur.	Sheikh Chhote Latif, Usman, Hamid, Kureshi and Sheikh-Kaireem sons of Sheikh Rasool.	
17.	House number 302 .	Ward number 6 Nehru ward Dongargarh.	Abdul Hussain son of Ibrahim.	
18.	House number 11/83 .	Hanuman Ganj Sohagpur.	Amanat Shah Abdulla Shah sons of Dilawar Shah and Choote Khan.	
19.	House number 1/33 .	Dayrpara, Sohagpur	Balookhan son of Bahadurkhan and Haliman Bi.	
20.	House number Nil .	Killapura, Sohagpur	Mumad Ali, Amid Ali, Sultan Ali.	
21.	House number Nil .	Dayara Para, Sohagpur.	Amir Ali and Shaeikat Ali sons of Hasmat Ali.	
22.	House number 4/27 .	Kawkhaui Mohalla Sohagpur.	Nizamuddin son of Nazool Khan and Salamau Bi wife of Nazool Khan.	

[No. F. 13(3) Comp. &amp; Prop. 61.]

**S.O. 2417.**—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Bihar for public purpose being a purpose connected with the Relief & Rehabilitation of displaced persons including payment of Compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (C. & R.) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire the evacuee properties specified in the Schedule.

## THE SCHEDULE

Sl. No.	Particulars of the evacuee property	Locality/Vill. in which the property situated	Name of Evacuee
1.	Holding No. 284 Circle No. 28, Patna	Machu Toli	Bibi Zohra Begum.
2.	Holding No. 8 Shankar Saran Lane, Gaya	Shankar Saran Lane	Zamiruddin

[No. 13(4) Comp. &amp; Prop./61.]

M. J. SRIVASTAVA,  
Settlement Commissioner & Ex-Officio  
Under Secy.

**MINISTRY OF LABOUR AND EMPLOYMENT**

*New Delhi, the 27th September 1961*

**S.O. 2418.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Ernakulam, in the industrial dispute between the employers in relation to the United Commercial Bank Limited and their workmen.

**BEFORE THE COURT OF THE INDUSTRIAL TRIBUNAL (CENTRAL),  
ERNAKULAM, KERALA STATE**

**PRESENT:**

Shri V. U. Joseph, B.A., B.L., Industrial Tribunal.

Industrial Dispute No. 4/61 (Central)

**BETWEEN**

The Manager, United Commercial Bank Ltd., Main Road, Quilon

**AND**

The General Secretary, United Commercial Bank Employees' Union,  
12/13, Angappa Naicken Street, Madras-1.

**AWARD**

The Central Government in the Ministry of Labour and Employment in exercise of the powers conferred by Section 7A of the Industrial Disputes Act, 1947 (14 of 1947) constituted me as a Central Government Industrial Tribunal, and in exercise of the powers conferred by clause (2) of sub-section (1) of Section 10, referred an Industrial Dispute between the Manager, United Commercial Bank Limited, Main Road, Quilon and the General Secretary, United Commercial Bank Employees' Union, 12/13, Angappa Naicken Street, Madras-1. The disputes in question appearing in the schedule to the order of reference is as follows:—

- (1) Whether Sri N. Jayapal, Driver, is a workman of the Bank; and if so
- (2) Whether the termination of his services by the Bank is justified; if not, to what relief is he entitled?

2. Copy of the order of reference was received in this court on 19th July 1961 and notice was issued to the union representative calling forth the union statement of the case and the dispute was posted to 14th August 1961 for the union statement. On 14th August 1961 the parties reported to court stating that the matter has been settled amicably and also filed memorandum of settlement requesting for the passing of an award in terms of the memorandum of settlement. The memorandum of settlement is recorded.

3. An award is passed in terms of the memorandum of settlement filed by the parties. The terms of the settlement will be Annexure to the award.

Dated this the 20th day of September, 1961.

**V. U. JOSEPH,**  
Industrial Tribunal.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
ERNAKULAM

Industrial Dispute No. 4 of 1961 (C)

The United Commercial Bank Ltd., Quilon

*Versus*Its workmen through the General Secretary,  
United Commercial Bank Employees' Union, Madras.*In the matter of Shri N. Jayapalan.*

Sir,

With reference to the above dispute, it is respectfully submitted that the matter has been amicably settled by the Management of the United Commercial Bank Ltd. agreeing to appoint Sri N. Jayapalan as a peon at the Bank's Quilon Branch.

It is therefore, prayed that the dispute may be treated as mutually settled and withdrawn.

For the United Commercial Bank  
Employees' Union, Madras,

Sd./-

General Secretary,  
C/o All-India Bank Employees' Association,  
166, Dadabhoy Naoroji Road,  
Bombay-1.

*The 3rd August, 1961.*

BOMBAY;

V. U. JOSEPH,

Industrial Tribunal.

[No. 51(11)/61-LRIV.]

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ORDER*New Delhi, the 27th September 1961*

S.O. 2419.—Whereas in the Order of the Government of India, Ministry of Labour and Employment No. S.O. 2301, dated the 18th September 1961, the Central Government has made a reference under sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), to the Industrial Tribunal, Delhi for the adjudication of an industrial dispute between the employers in relation to the Cooperative Assurance Company Limited, Amritsar (hereinafter referred to as the Company) and their workmen;

And whereas the Central Government is of opinion that the said dispute is of such a nature that the Saharanpur Branch of the Company is likely to be interested in, or affected by, such dispute;

Now, therefore, in exercise of the powers conferred by sub-section (5) of section 10 of the aforesaid Act, the Central Government hereby includes in the said reference the Saharanpur Branch of the Company.

[No. 70(11)/61-LRIV.]

G. JAGANNATHAN, Under Secy.

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*New Delhi, the 28th September 1961*

S.O. 2420.—In exercise of the powers conferred by sub-section (1) of section 3 of the Indian Dock Labourers Act, 1934, (19 of 1934), the Central Government hereby appoints Shri J. R. Ovalakar, Assistant Chief Adviser Factories, Central

Labour Institute, Bombay, as Inspector for the purposes of the said Act within the local limits of the ports of Bombay and Kandla.

[No. 532(17)/1961-Fac.]

R. C. SAKSENA, Under Secy.

*New Delhi, the 28th September 1961*

**S.O. 2421.**—In exercise of the powers conferred by regulation 186 of the Metalliferous Mines Regulations, 1961, the Central Government hereby notifies the 1st October, 1961, as the date on which the provisions of regulations 34 excluding so much thereof as requires the manager to hold specified qualifications, but including clause (b) of Sub-regulation (1), shall come into force.

[No. 1/28/61-MI.]

A. P. VEERA RAGHAVAN, Under Secy.

*New Delhi, the 29th September 1961*

**S.O. 2422.**—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to Messrs Tata Iron and Steel Company Limited and their workmen employed in Jamadoba 6 and 7 Pits, Jamadoba, Digwadih, Sijua and Malkera Coal Mines.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.**

REFERENCE No. 49 of 1960.

Messrs. Tata Iron and Steel Co., Ltd.,

AND

the workmen employed in Jamadoba 6 and 7 Pits, Jamadoba, Digwadih, Sijua and Malkera Coal Mines.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

*Camp: Bombay Dated: 22nd September, 1961.*

**APPEARANCES:**

*For the employers.*—Shri S. N. Singh, Welfare Officer, with Lal Behari Mahato, Clerk, Personnel Department.

*For the workmen.*—Shri D. N. Sharma, Member, Executive Committee, Colliery Mazdoor Sangh, for the workmen.

**STATE:** Bihar.

**INDUSTRY:** Coal.

### AWARD

The Government of India, Ministry of Labour and Employment, by Order No. 1/39/60-LR-II, dated 23rd November, 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), was pleased to refer the industrial dispute between Messrs. Tata Iron and Steel Co., Ltd., and their workmen employed in Jamadoba, 6 and 7 pits, Jamadoba, Digwadih, Sijua and Malkera Coal Mines, in respect of the subject matters specified in the following schedule to the said order, to me for adjudication:—

### SCHEDULE

"Whether the management of Jamadoba, 6 and 7 pits, Jamadoba, Digwadih, Sijua and Malkera Coal Mines had prescribed any incremental scale of wages for the machine drivers prior to coming into operation of the Award of the All India Industrial Tribunal (Colliery Disputes) in May, 1956. If so, whether the management is justified in not paying increments to these machine drivers after coming into operation of the said Award?

If not, to what relief are these machine drivers entitled?"



2. This dispute concerns the machine drivers of the five collieries of the Tata Iron and Steel Co. Ltd., (hereinafter referred to as the company) which have been mentioned in the schedule to the order of reference. It is admitted that there are in all about 75 machine drivers employed in these five collieries of whom the largest number, about thirty four, is concentrated in the Jamadoba Colliery. The first question which falls for consideration under the terms of reference is whether the company had prescribed any incremental scale of wages for the machine drivers prior to the coming into force in May, 1956 of the award of the All India Industrial Tribunal (Colliery Disputes) (hereinafter referred to as the Majumdar Award).

3. It appears that this dispute was raised by a letter dated 16th October, 1959, addressed by the Secretary of the Colliery Mazdoor Sangh, Dhanbad, to the Conciliation Officer (C) Dhanbad II, in which it was stated that prior to coming into force of the Majumdar Award on 26th May, 1956, the machine drivers of this company were being paid in the scale of Rs. 1-4-0—0-4-0—Rs. 3-0-0, and that the Majumdar Award had prescribed a higher basic pay for machine drivers. It is admitted that machine drivers under the Majumdar Award are classified in categories VII, and VIII for which the basic wage prescribed is Rs. 1-14/- and Rs. 2/4- per day, respectively. The union complained that since coming into force of the Majumdar Award the company had stopped paying the annual increment of -/4/- to its machine drivers and repeated representations made by it had proved of no avail. This, according to the union, had amounted to stoppage of increments and curtailment of existing benefits and alteration of existing service conditions, which had been protected under the Majumdar Award. The union, therefore, claimed that the company should be directed to pay its machine drivers the annual increments with retrospective effect from the date on which they had been stopped.

4. To this, management replied to the Conciliation Officer that as the question of incremental scale of pay for machine drivers was then pending before the Arbitrator Shri A. Das Gupta, the matter be not taken up in Conciliation. The union contended that the enforcement of the existing grade of pay had nothing to do with the demand for grades before the Arbitrator and thereupon the management offered to examine the position and report by 29th February, 1960. At a later meeting before the Conciliation Officer, Shri S. Prasad, Chief Personnel Officer of the company stated that there was no grade of pay as stated by the union but that in deserving cases the management paid an increment of /4/- to the workers when the work done by them justified it. He stated that as the number of cuts given by the workers concerned was not found to be adequate, the management regretted its inability to do anything in the matter. The union denied this and stated that the increments had not been stopped because the work of the machine drivers was bad, as alleged by the management. The union relies upon the directions contained in paragraph 351 (1) and (3) of the Labour Appellate Tribunal's decision dated 29th January, 1957, in the appeals from the Majumdar Award where it was directed that all existing privileges and amenities were to continue as heretofore and that those whose existing scales of pay were better than what had been provided, shall, subject to the option exercisable by the workmen, continue in those existing scales and it has contended that the management had contravened these directions of the Labour Appellate Tribunal's decision in stopping the increments of four annas. Thereafter the Conciliation Officer made his failure report dated 22nd April, 1960, a copy of which is annexed to the order of reference.

5. The management, in its written statement in this reference, has stated that the company had not prescribed any incremental scale of pay for machine drivers prior to the Majumdar Award; that machine drivers were not appointed to any specific grade nor was the same a condition of their service; that the increments of the wages of the machine drivers was not automatic but depended upon the discretion of the Chief administrative head (previously designated as the Superintendent of Collieries and since then called the Chief Mining Engineer); that the machine drivers used to apply for increments which were either granted or refused at the discretion of the chief administrative head. The management has further submitted that the Majumdar Award as modified by the decision of the Labour Appellate Tribunal had fixed a higher starting basic wage for the machine drivers than paid by the company and that the Collieries Disputes Arbitration Award of Shri A. Das Gupta had fixed an incremental scale with a higher minimum and maximum, but a lower quantum of annual increment, for those workmen and therefore it was unreasonable and unjustified to claim higher starting and maximum wage on the basis of the Arbitration Award of Shri A. Das Gupta,

and at the same time demand an incremental scale alleged to be prescribed by the company. The management has, therefore, submitted that the question of justification of the management in not paying increments to the drivers after coming into operation of the award, does not arise and that the machine drivers are not entitled to any relief at all.

6. In its written statement the management had also raised a preliminary objection that the demand under reference was barred by the principles analogous to the principles of *res judicate* because the same question had been traversed and decided by a decision of the Authority under the Payment of Wages Act who had rejected the claim for unpaid increments made by the workmen before him. But I find from the decision of the Authority under the Payment of Wages Act that he had held that he had no jurisdiction, as what he was called upon to determine in that application was not actual but potential wages. I need not dilate on this question any further because Shri Prasad for the company in his submissions before me has conceded that the decision of the Payment of Wages Authority did not act as *res judicate* of the question under reference.

7. In support of their respective contentions both parties have led oral evidence and filed certain documents and I proceed to consider the same. The union has examined one of the machine drivers, Shyam Singh son of Nathu Ram (WW-1). He has stated that the starting pay of machine drivers in the Tisco Collieries was Re. 1-8-0, and not Rs. 1-4-0, as incorrectly stated by the union in its letter of 16th October, 1959, to the Conciliation Officer. He stated that the increments were granted automatically at the end of each year and that several machine drivers whom he knew had reached the maximum in the grade of Rs. 1-8-0 to Rs. 3. He stated that his annual increment was stopped in Jamadoba Colliery from 5th January, 1958, and that in other collieries the increments had been stopped even before the Majumdar Award came into operation on 26th May, 1956. He claimed that each machine driver should be paid the annual increment of annas four from the date it was stopped. In his cross-examination, he admitted that he was started on a basic pay of Re. 1-8-0 on 10th December, 1952, when he was appointed to work as a machine driver. He admitted that he had not been given any increments in 1953, 1954, 1955, 1957, and 1959, but stated that the company had acted high handedly in refusing him annual increments for those years. Questioned about which of the machine drivers had received annual increments in the scale of Re. 1-8-0 to Rs. 3, he named one Gurubux Singh, Dayal Singh, Tara Chand, Sohan Singh No. 1. But he could not satisfactorily explain as to why each of them had not been granted annual increments in one year or the other and a few of them in several years. He denied the suggestion that there was no system of annual automatic increments to machine drivers in the scale of Rs. 1-8-0 to Rs. 3.

8. The company on this point examined Shri Ram Nath Sharma, Agent of its Sijua Group of Collieries, who stated that he had been in the service of the Tisco collieries for the last about 12 years during which period he had acted as Manager of four of the Tisco collieries including Jamadoba and 6 and 7 pits. He stated that he was not aware of any graded pay scale in Tisco collieries for the machine drivers except the one that was prescribed by the award of Shri A. Das Gupta Arbitrator with effect from 1st June, 1960; he further averred that there was no system of annual increments but that when an individual worker applied, increment was given to him by the management in its discretion. In his cross-examination he admitted that the increments whenever granted were of four annas and that the maximum that the machine drivers were getting by way of basic pay in the Tata Collieries prior to the Das Gupta Award was a basic pay of Rs. 3 per day. He stated that in each case when an increment of 4/- was granted the workman concerned must have applied to the management for the grant of that increment. He stated that this practice of granting increments on the application of the workmen has been in force even before he joined the colliery in 1949. In re-examination he stated that the management did not give any reasons for refusing or granting the increment of annas four. To a question put by me he stated that increments of annas four were granted to some of the machine drivers even after the Majumdar Award came into force and also after the Labour Appellate Tribunal's decision of 29th January, 1957.

9. The next witness examined by the management was one Narayan Singh, Welfare Officer of the Tata Collieries. He was examined to put in certain documents on which the management relied. The first document he filed was an application dated 1st January, 1953, made by machine driver Mansha Singh for grant of an increment of annas four. It was granted to him with effect from 1st May, 1953, as per order dated 14th May, 1953, signed by the Superintendent of

Collieries (exhibits E-1 and E-2) respectively. The next application filed through this witness was an application dated 20th April, 1953, from one Ajagar Singh, machine driver. It appears that this workman had applied for the annual increment but the same was rejected and in this application he prayed that his case may be reconsidered (Ex. E. 3). The management by its letter dated 12th May, 1953, regretted its inability to accede to this request (exhibit E-4). In cross-examination this witness stated that he joined the service of Tata collieries only on 2nd April, 1957, and had no personal knowledge of the facts concerning the two machine drivers whose applications he had produced from the records of the company nor about the payments of increments to machine drivers generally as the papers relating to the increments do not pass through his department.

10. The documentary evidence on which the union relies is a memorandum of agreement dated 22nd April, 1955, in the proceedings in application bearing No. 417, of 1953, under section 33A, of the Industrial Disputes Act, 1947, before the Central Government Industrial Tribunal, Dhanbad. That memorandum of agreement which was between the management of the Tisco collieries and the Union concerned, recorded—

- (1) That whenever a lower-rated permanent machine driver officiating in a higher rated job, is reverted to his permanent lower-rated job he should be paid wages of lower-rated job with increments in that category for the period so served in the higher-rated job and shall go up to the highest rate of that category prevailing in the collieries viz., Rs. 3 per day.
- (2) That if any machine mazdoor is promoted as a duck bill or joy loader operator and is subsequently made a machine driver, he should get his normal annual increments after the expiry of one year from the time he started working as a duck bill operator.

11. The union has relied upon these two terms of the agreement as constituting an admission on behalf of the management of the existence of incremental scale of pay with an annual increment of annas four per day for the machine drivers.

12. It will be seen from what is stated above that the contention of the management has been that there has not been any regular annual incremental scale of pay of Rs. 1/8/- to Rs. 3/- by annual increment of -/4/- as claimed by the union. Shri Prasad has stated that if there had been regular scale of pay of Rs. 1/8/- to Rs. 3/- then increments would have been automatically granted to the machine drivers. The company's case as made out at the hearing was that every machine driver had to make a written application before any increment was granted to him and it has in support led the evidence of Ramnath Sharma, Agent Sijua group of collieries (EW-1) and has filed applications exhibits E-1 and E-3, and the company's orders thereon exhibits E-2, and E-4, respectively. Shri Sharma has stated that there must have been a practice of making written applications for increments. If that were so it is difficult to understand why the management could produce only two applications and those too for 1953, and could not produce applications of recent years. I am inclined to think that this story of workmen being granted annual increments only on these written statement is an improvement upon the position which the company had taken up before the Conciliation Officer where the case on behalf of the company as stated by Shri Prasad, Chief Personnel Officer was that in deserving cases the management paid -/4/- to the workers when the work done by them justified it and refused the increment when the number of cuts was not adequate. This would imply that ordinarily an increment would be granted but that an increment would be withheld only in cases where the number of cuts given was inadequate or that the workmen's work had not been satisfactory. The memorandum of agreement (exhibit W-1) on which the Union relies suggests that there was a system of payment of annual increments to the machine drivers because para 2 thereof specifically refers to, "normal annual increments", which would suggest that an annual increment of -/4/- was the normal feature. Thus the evidence on what basis the increments were granted to the machine drivers is not clear or conclusive either way. But the management has filed a statement (Ex. E. 5) showing the increments granted to each one of the machine drivers employed in its five collieries, which shows that the increments were not granted regularly every year. The statement contains practically the service record of each of these machine drivers and it is clear from a perusal of the details in that statement that increments of annas four were not granted regularly each year. A break-up of this statement shows that in 1953, only 16, in 1954, only 2, in 1955, 21, in 1956, 34, in 1957, nil, in 1958, 27, and in 1959, nil machine drivers had been granted annual increments. This

would support the company's contention that regular annual increments were not a condition of service of the machine drivers.

13. What is established on the evidence on record is that prior to the Majumdar Award, machine drivers in the Tata Collieries were started on a starting pay of Rs. 1-8-0, per day and were paid the maximum pay of Rs. 3/- per day and that whenever increments were granted, they were of annas four. In my opinion on the evidence on record it cannot be held that the increment of annas four was an annual increment, to which the workmen could lay claim at the end of each year, as it is clear that it was paid in some years and not in other years and that too not to all the machine drivers.

14. In the result, on an anxious consideration of the evidence on record I hold that it is not established that the management of the Tata Iron and Steel Co., Ltd.'s collieries has prescribed any incremental scale of wages with an annual increment of annas four for the machine drivers prior to coming into operation of the Majumdar Award in May 1956.

15. The next question is whether the management was justified in not paying increments to the machine drivers after coming into operation of the Majumdar Award. The Majumdar Award as modified by the Labour Appellate Tribunal's decision did not prescribe any incremental scale of pay. Under it, machine drivers were classified as category VII and VIII workmen, for which categories the basic wage of Rs. 1-14-0 and Rs. 2-4-0 respectively was prescribed. It is admitted that in implementation of the Majumdar Award all the machine drivers of the Tisco Collieries were placed in category VIII i.e. on a starting pay of Rs. 2-4-0. The union has claimed that even under the Majumdar Award the machine drivers were entitled to the basic pay prescribed by the Majumdar Award as modified by the Labour Appellate Tribunal's decision and to the benefit of the annual increment of annas four and to reach the maximum of the scale of Rs. 3 in force in the colliery and it has in support relied upon the directions contained in paragraph 701 of the Majumdar Award and paragraph 351 of the Labour Appellate Tribunal's decision. By paragraph 701 of its Award the Majumdar Tribunal directed that the workers shall also be entitled to retain the benefit of any grade that would carry them still higher than the grade of pay prescribed by it. And it clarified that, "the object of this provision is that the existing workers should not lose in any way by our award." By sub-para (1) of paragraph 351 of its decision, the Labour Appellate Tribunal directed that that all existing privileges and amenities etc., shall be continued as hereto fore and sub-paragraph (3) thereof, that, "those whose existing scale of pay are better than what we have provided shall, subject to the option exercisable by the workmen continue in those existing scales." The management has in certain cases even after the Majumdar Award came into force granted some of the machine drivers annual increments of annas 4 for some years till they had reached the maximum of the grade of Rs. 3. But as I have held earlier it is difficult to hold on the evidence on record that there was a regular incremental scale of pay of Rs. 1-8-0 to Rs. 3 by annual increment of annas four to which the workmen could have laid claim prior to the Majumdar Award coming into operation. Under the Majumdar Award as modified by the Labour Appellate Tribunal the workmen got the benefit of a higher basic pay of Rs. 2-4-0 under category VIII, but the management has stated that as there was no regular annual increment of annas four in force in its collieries, the workmen could not claim the benefit of these increments on the starting basic pay of Rs. 2-4-0 and claim to reach the maximum basic pay of Rs. 3 which it paid its machine drivers. As I have held that there was no regular incremental scale of pay, this contention of the management must be upheld.

16. The third question that remains to be considered is whether there is any relief which could be granted to these machine drivers. After the Labour Appellate Tribunal's decision of 29th January 1957 certain industrial disputes in the coal industry were referred to the arbitration of Shri A. Das Gupta a former Member of the Labour Appellate Tribunal of India and one of the Members of the Special Bench of that Tribunal which gave the decision in the Colliery Appeals. Shri Das Gupta in his Arbitration Award dated 30th December 1959 has for machine drivers of category VII fixed a wage scale of Rs. 1.87—0.14—2.61 and for machine drivers of category VIII the scale of Rs. 2.25—0.14 nP—3.09. As I have stated earlier the management had, in implementing the Majumdar Award, classified all its machine drivers in category VIII and they are now getting the scale of pay for category VIII prescribed by the Das Gupta Award. The union has argued that the machine drivers should be paid the annual increment of annas four in the scale of Rs. 2.25 to 3.09 instead of the 14 nP, which the company is paying its machine drivers since the award of Shri Das Gupta came into force from 1-6-1960. The management has opposed this claim and stated that

since the workmen had got a better start and a higher maximum in the scale prescribed by the arbitration award, they could not claim the benefit of the higher increment which in any case was not an annual increment. Shri Prasad has in this connection relied upon the decision of the Hon'ble Supreme Court in the case of the Birla Cotton Spinning and Weaving Mills Ltd., Delhi vs. its workmen and others respondents reported in A.I.R. 1961 Supreme Court 1179. In that case their Lordships held that where a standardisation scheme comes into force it is an integral whole and may sometime result in some of the workmen getting less than what they were getting before. On the analogy of this decision Shri Prasad has argued that since under Shri Das Gupta's Arbitration Award dated 30-12-59, which applies to all the collieries in Bengal and Bihar, the machine drivers could only claim the benefit of the scale of pay prescribed by that award they could not claim the higher increment of annas four. Considering that the increment of annas four were not granted annually to all the machine drivers and further considering that the machine drivers had under the Das Gupta Award got a higher starting pay and their maximum has also been slightly raised, I do not think there is justification for this claim put forward by the union.

17. In the result, I cannot see my way to grant the relief of the annual increment of annas four claimed by the union for the machine drivers in the scale of Rs. 2.25—0.14 nP—3.09 paid by the company to its existing machine drivers.

18. In the overall result, all the demands put forward by the workmen in this reference are rejected. No order as to costs.

(Sd.) SALIM M. MERCHANT,  
Presiding Officer,  
Central Government Industrial Tribunal, Dhanbad.  
[No. 1/39/60-LRIL]

### ORDER

*New Delhi, the 30th September, 1961.*

**S.O. 2423.**—Whereas an industrial dispute exists between the employers in relation to the Khas Shampore Colliery Company Limited, Post Office Nirsachatti, District Dhanbad, and their workmen represented by the Koyala Mazdoor Panchayat, Jharla (hereinafter referred to as the Union);

And whereas the said employers and the Union have under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the dispute to arbitration by an arbitration agreement and a copy of that agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement.

### FORM C

(see Rule 7)

### AGREEMENT

(Under section 10A of the Industrial Disputes Act, 1947)

### BETWEEN

#### NAME OF THE PARTIES:

*Representing employers:* Khas Shampore Colliery Co. Ltd., P.O. Nirsachatti (District Dhanbad), Bihar.

*Representing workmen:* Koyala Mazdoor Panchayat, Jharla, Bihar.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri S. V. R. Achariar, Murulidih Colliery, P.O. Mahuda, District Dhanbad, Bihar.

- (i) *Specific matters in dispute:* Compensation payable to Shri J. Mehta for the period from 18-9-59 to 2nd January 1960 and the continuity of service of Shri J. Mehta.
- (ii) *Details of the parties to the dispute:* Khas Shampore Colliery, P.O. Nirsachatti, Bihar. Shri J. Mehta, Khas Shampore Colliery, P.O. Nirsachatti (Bihar).

(iii) *Name of the union:* Koyala Mazdoor Panchayat, Jharia.

(iv) *Total number of workmen employed in the undertaking:* About four hundred.

(v) *Number of workmen affected:* One—Shri J. Mehta.

We agree that the decision of the arbitrator shall be binding on us.

Sd./- J. D. RATHOR,  
Director,

Representing the employer.  
26-9-61.

Sd./- MAHESH DESAI,  
General Secretary,

Representing the worker.  
26-9-61.

Dated this 26th day of September 1961.

*Witnesses:*

1. Sd.- Illegible,  
26-9-61.

2. Sd.- Illegible,  
26-9-61.

[No. 4/137/61-LRII.]

A. L. HANDA, Under Secy.

*New Delhi, the 30th September 1961*

**S.O. 2424.**—Whereas, in the opinion of the Central Government:—

- (1) the rules of the provident fund of M/s Coorg and Mysore Coffee Company (1937) Limited, Chamundi Curing Works, Vanivilas Mohalla, Mysore-2 (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempt the said establishment with effect from the 30th November, 1957, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section 17.

#### SCHEDULE.

1. The establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer') shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer and all questions before the Board shall be decided by a majority of votes;

(c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as the Regional/State Commissioner) within whose jurisdiction the Establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Government may, from time to time, direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishment as the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been a member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment, in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of the workers, respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of the employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the Establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that fund as soon as possible and, in any case, not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank together with a statement or statements as may be required by the Regional/State Commissioner or Commissioners concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the Employees' Provident Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments' Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12-5 naye paise or more shall be counted as the next higher of a rupee and fractions of a rupee less than 12-5 naye paise shall be ignored. The

amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise or more shall be counted as 5 naye paise and any amount less than 2.5 naye paise shall be ignored.

13. On all repayable loans granted by establishments interest shall be charged at the rate of  $4\frac{1}{2}$  per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the Establishment.

16. Exemption granted by this notification is liable to be withdrawn by the Central Government for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

[No. 9(13)/61-PF.II.]

P. D. GAIHA, Under Secy.